

**TO:** Selectboard

**From:** Rocky Martin *Rocky Martin*

**Date:** December 26, 2012

**Re:** Rec Path Cooperative Agreement Amendment #4

**CC:** Joe Colangelo

The Rec Path grant with VTrans is called Cooperative Agreement, and has been amended over the years. This amendment increases the amount of funds available for constructing the project. In 2011, the engineers estimate for construction was more than what had been allocated for the project. We applied to VTrans to increase the funding; they eventually agreed and to base the increase on low bid price for construction (see attached 1/19/12 letter from Sue Scribner). The low bid for construction was more than the engineer's estimate. Amendment #4 increases the total amount from all sources for construction from \$1,430,000 to \$1,963,977. This includes the cost of construction (\$1,636,647.60), 10% of construction cost for engineering inspection (\$163,664.76) and 10% of construction cost for contingency (\$163,644.76).

The town pays 10% of this project, part of our share is held in a reserve account and part of it is budgeted in the capital budget over the next five years. Signing this Amendment does not increase Town's share of spending for this project it just gets us "up to date" with what is happening with the project.

Recommendation: authorize Selectboard Chair to sign Amendment #4 to Cooperative Agreement for Advancement of Municipal Project Hinesburg STP BIKE (22)S.

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AMENDMENT #4  
TO  
COOPERATIVE AGREEMENT  
FOR  
ADVANCEMENT OF MUNICIPAL PROJECT  
HINESBURG STP BIKE (22)S  
BIKE022 - 100/200/300  
CFDA #20.205 CONTRACT NO. CA0057

THIS AMENDMENT #4, made this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between the STATE OF VERMONT, represented by its Agency of Transportation, with its principal office at National Life Building, Montpelier, Vermont 05633-5001 (the STATE), and the TOWN OF HINESBURG, with its principal office at P.O. Box 133, Hinesburg, Vermont 05461, (the MUNICIPALITY) is supplemental to the Agreement executed on April 19, 2002, and Amendment #1 executed on July 21, 2005, Amendment #2 executed on January 8, 2008, Amendment #3 executed on November 22, 2010, for the HINESBURG STP BIKE (22)S Project.

WITNESSETH:

WHEREAS, the STATE and MUNICIPALITY mutually agree that the April 19, 2002 Agreement, and July 21, 2005 Amendment #1 and January 8, 2008 Amendment #2 and November 22, 2010 Amendment #3 should be modified;

NOW, THEREFORE, the April 19, 2002 Agreement, and July 21, 2005 Amendment #1 and January 8, 2008 Amendment #2 and November 22, 2010 Amendment #3 are modified as follows:

1. Item #30 will be deleted in its entirety and replaced with the following:  
**30. Allocation of Funds by STATE.** On the basis of the MUNICIPALITY's request for authorization to develop the Project, and subject to the availability of state and federal funds, the STATE agrees to allocate to the project a sum not to exceed \$225,994.00 in state funds and \$1,986,036.00 in federal-aid funds for engineering, right-of-way, utility and railroad relocation where applicable, construction, and construction engineering costs (as described in Section 37). The availability of funds to the MUNICIPALITY will be **\$211,804.00** in state funds and **\$1,925,226.00** in federal funds.

2. Item #38 will be deleted in its entirety and replaced with the following:

**38. Project Costs and Phases.** The parties agree that the MUNICIPALITY will perform all tasks and duties incidental to accomplishing the following Project development phases, where an amount of funding is indicated, in conformance with the schedule or amended schedule agreed upon by the parties: and that the STATE will pay the state and federal share of all properly documented invoices from the MUNICIPALITY for work incidental to the development of the Project up to the maximum limiting amount (MLA) STATE/federal amount indicated for that phase:

Phase	Estimated Completion Date	MLA			
		Federal	State	Local	Totals
Preliminary Engineering		\$288,239	\$31,711	\$35,550	\$355,500
Right-of-Way		\$44,594	\$4,906	\$5,500	\$55,000
Construction and Construction Engineering / Inspection	11/2016	\$1,592,393	\$175,187	\$196,397	\$1,963,977
Available Funds to Municipality		\$1,925,226	\$211,804	\$237,447	\$2,374,477
State Management/Review Cost		\$ 60,810	\$ 14,190	---	\$75,000
<sup>2</sup> Total Project Cost		\$1,986,036	\$ 225,994	\$ 237,447	\$ 2,449,477

<sup>2</sup> The amounts noted may not reflect expenditures that were covered under prior agreements or contracts.

IN WITNESS WHEREOF the parties hereto caused this Amendment to be duly executed on the day and year first written above.

**TOWN OF HINESBURG  
(MUNICIPALITY)**

By: \_\_\_\_\_  
Its Duly Authorized Agent

\_\_\_\_\_ dated

**STATE OF VERMONT  
AGENCY OF TRANSPORTATION  
(STATE)**

By: \_\_\_\_\_  
Its [Deputy] Secretary of Transportation

\_\_\_\_\_ dated

APPROVED AS TO FORM  
DATED: 11/20/2012

  
\_\_\_\_\_  
ASSISTANT ATTORNEY GENERAL

2. Item #38 will be deleted in its entirety and replaced with the following:

**38. Project Costs and Phases.** The parties agree that the MUNICIPALITY will perform all tasks and duties incidental to accomplishing the following Project development phases, where an amount of funding is indicated, in conformance with the schedule or amended schedule agreed upon by the parties; and that the STATE will pay the state and federal share of all properly documented invoices from the MUNICIPALITY for work incidental to the development of the Project up to the maximum limiting amount (MLA) STATE/federal amount indicated for that phase:

Phase	Estimated Completion Date	MLA			
		Federal	State	Local	Totals
Preliminary Engineering		\$288,239	\$31,711	\$35,550	\$355,500
Right-of-Way		\$44,594	\$4,906	\$5,500	\$55,000
Construction and Construction Engineering / Inspection	11/2014	\$1,159,444	\$127,556	\$143,000	\$1,430,000
Available Funds to Municipality		\$1,492,277	\$164,173	\$184,050	\$1,840,500
State Management/Review Cost		\$ 48,648	\$ 11,352	---	\$60,000
<sup>2</sup> Total Project Cost		\$1,540,925	\$ 175,525	\$ 184,050	\$ 1,900,500

<sup>2</sup> The amounts noted may not reflect expenditures that were covered under prior agreements or contracts.

*Amendment #3  
Nov. 22, 2010*



**Town of Hinesburg**  
10632 Route 116  
Hinesburg, Vermont 05461

Mr. Bill Preis, LTF Project Supervisor  
Vermont Agency of Transportation  
National Life Building, Drawer 33  
Montpelier, VT 05633

December 19, 2011

Re: Hinesburg STP BIKE (22) S – Request for Additional Funding

Dear Mr. Preis:

The Town of Hinesburg requests \$447,254 in additional funds be allocated for construction of the above referenced project. The Cooperative Agreement between the Town and State shows \$1,430,000 as allocated for construction and construction engineering; this amount comes from a 2007 project estimate. A more recent estimate (May 3, 2011) from the Town's engineering firm suggests the actual total project cost to be \$1,877,254. Approximately \$30,000 remains unspent in our Right of Way category and could be used to reduce the additional amount needed to \$417,254. Of the \$417,254, \$41,725 would come from Hinesburg and \$375,529 from state and federal funding.

A number of plan changes due to revised wetland regulations have added to the total construction cost since 2007. Along Mechanicsville Road, approximately 900 feet of sidewalk had to be moved closer to the road in order to avoid wetland impacts. This change necessitated the addition of curbing, catch basins, and stormwater systems. Moreover, construction costs in general have increased dramatically since the 2007 estimate and, in our opinion, there is nothing left that could be cut to reduce the total cost of the project. Our goal is to get this project out to bid and to construction in 2012. We respectfully request an additional \$375,529 from state and federal funds to make it happen.

We look forward to your response to this request and we look forward to working with you on this project.

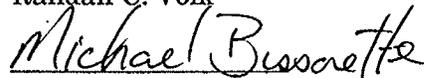
Sincerely,

The Town of Hinesburg Selectboard

  
Jonathan S. Trefry, Chair

  
Kenneth Brown

  
Randall C. Volk

  
Michael Bissonette

  
Andrea Morgante

Cc: Bill Lippert, Hinesburg Representative  
Brian Searls, Secretary, Agency of Transportation  
Sue Minter, Deputy Secretary of Administration, Agency of Transportation  
Richard Tetrault, Director of Program Development, Agency of Transportation  
Sue Scribner, LTF Program Director, Agency of Transportation  
Amy Bell, Transportation Coordinator, Agency of Transportation  
Chris Cole, Director of Policy and Planning, Agency of Transportation  
Diane Snelling, Vermont State Senator



State of Vermont  
Agency of Transportation  
National Life Building  
Drawer 33  
Montpelier, VT  
05633-5001

**VT**rans *Working to Get You There*

January 19, 2012

Town of Hinesburg Selectboard  
10632 Route 116  
Hinesburg, Vermont 05461

RE: Hinesburg STP BIKE(22)S

Dear Ladies and Gentlemen:

The Agency has considered your request for additional funding for the subject project as outlined in your December 19<sup>th</sup> letter. After consideration, the Agency agrees that we will provide the additional funding needed to complete the project.

For projects where funding is not capped, our general practice is to amend the project grant agreement after the construction bids are opened to reflect a new construction maximum limiting amount. We agree to amend your project grant agreement accordingly following the bid opening. A new maximum limiting amount for construction will be calculated based on the actual low bid amount for participating items plus an additional 10% for contingencies, or unanticipated costs, that might arise during construction and an additional 10% for construction engineering.

We look forward to working with your community to see this project completed. Please contact me at 828-3588 or by email at [sue.scribner@state.vt.us](mailto:sue.scribner@state.vt.us) if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Susan E. Scribner".

Susan E. Scribner

Local Transportation Facilities Program Manager

[www.aot.state.vt.us](http://www.aot.state.vt.us)  
Telecommunications Relay Service 1-800-253-0191

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